

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

| | | |
|-------------------------------|---|--------------------------------|
| (1) MOSAID TECHNOLOGIES INC., |) | |
| |) | |
| Plaintiff, |) | Case No. 6:11-cv-00230 LED-JDL |
| |) | |
| v. |) | |
| |) | JURY TRIAL DEMANDED |
| (1) ELPIDA MEMORY, INC., |) | |
| |) | |
| (2) BUFFALO INC., |) | |
| |) | |
| (3) BUFFALO TECHNOLOGY (USA), |) | |
| INC., AND |) | |
| |) | |
| (4) CHANG-SHENG, INC. d/b/a |) | |
| AXIONTECH.COM and AXION |) | |
| TECHNOLOGIES, |) | |
| |) | |
| Defendants. |) | |
| |) | |

AGREED MOTION FOR DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate agreement between the Plaintiff, MOSAID Technologies Inc. (“MOSAID”), and Defendant Elpida Memory, Inc. (“Elpida”), the parties have agreed to dismiss all claims in the above-captioned action. The parties, therefore, move this Court to dismiss the above-entitled cause and all claims by MOSAID against Elpida and its co-defendants Buffalo Inc., Buffalo Technology (USA), Inc., and Chang-Sheng, Inc. d/b/a Axiontech.com and Axion Technologies, and all claims by each of the defendants against MOSAID made therein with prejudice to the re-filing of same.

The parties further move the Court to order that all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same. A proposed Order accompanies this motion.

Dated: September 6, 2013

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux

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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this September 6, 2013 with a copy of this document via the Court's CM/ECF System per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux

Elizabeth L. DeRieux